

C. Remarks

The claims are 1-21, with claims 1, 7 and 13 being independent. Claims 7-19 have been withdrawn from consideration as being directed to a non-elected invention. Claim 1 has been amended to specify that the external phase part contains a magnetic substance. Support for this change may be found throughout the specification, as well as in the language of claim 1 as originally filed. Claim 3 has been amended solely to improve its form. New claim 21 has been added. Support for the new claim may be found, for example, in original claim 1. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claim 1-6 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Application Publication No. 2003/0113368 A1 (Nomoto). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features of the presently claimed invention. That invention, in pertinent part, is related to a structure containing a PHA and a magnetic substance. Specifically, the present claims recite a dual-phased structure comprising an internal phase part (e.g., core), which is contained in an external phase part (e.g., shell). The external phase part includes both the PHA and the magnetic material. The magnetic material, as well as other components, such as a pharmaceutical (claim 20), may also be present in the internal phase part.

Nomoto is related to a liposome coated with a PHA. While Nomoto refers to a magnetite as one of the substances that can be encapsulated in a liposome (paragraph [0045]), this reference does not disclose or suggest an external phase part that contains both the PHA and the magnetic substance. Thus, Applicants respectfully submit that the present claims are patentable over Nomoto.

Wherefore, allowance of the application and expedient passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our address given below.

Respectfully submitted,

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